

Title 4. Business Regulations
Division 18. California Gambling Control Commission
Chapter 6. State Gambling Licenses and Approvals for
Gambling Establishments, Owners, and Key Employees

Section 12347. Interim Key Employee Status While Application Pending.

- (a) Unless given 30 days after hiring to file an application for key employee licensure pursuant to Business and Professions Code section 19883 (corporate owner-licensee exemption for key employees), gambling establishment employees holding a valid work permit or license for any gambling establishment may begin work as an interim key employee provided that written notice is given to the Commission and Division within ten days of the employee's assumption of key employee duties, accompanied by a description of the key employee duties the employee will perform and a copy of the employee's current work permit or license for any licensed gambling establishment.
- (b) An interim key employee shall, within 30 days of assuming a key employee position, submit the following:
 - (1) The Commission's key employee license application form, CGCC-031, as referenced in section 12342,
 - (2) The Division's key employee supplemental application, DGC-APP 016A, as referenced in section 12342, and
 - (3) All applicable fees and deposits due for a key employee license.
- (c) An applicant for key employee licensure currently working as an interim key employee shall cease working in a key employee position if the application for key employee licensure is abandoned or denied, if the employee's work permit is revoked or cancelled before the key employee license is approved, or if the Executive Director notifies the applicant and gambling establishment that the interim status is cancelled pursuant to subsection (d), below.
- (d) With ten day's advance written notice to the interim key employee and to the gambling establishment, the Executive Director shall cancel the interim key employee status based upon the following:
 - (1) Evidence showing that the applicant has sustained any disqualifying criminal convictions;
 - (2) Evidence showing that the applicant is statutorily ineligible for a key employee license under the Act;
 - (3) Evidence which discloses that having the applicant serve as a interim key employee pending determination of their application may in the judgment of the Executive Director present a danger to the public or to the reputation of controlled gambling in this state;

- (4) A determination by the Executive Director that the applicant has failed to reveal any fact that is material to, or supplied materially untrue or misleading information on, the applicant's key employee license application;
 - (5) A Division recommendation of denial of the applicant's key employee application;
 - (6) Referral by the Commission of the applicant to an evidentiary hearing with direction to the Executive Director to cancel the interim key employee status; or
 - (7) A determination by the Executive Director that the gambling establishment using the interim key employee procedure has shown a pattern or practice of hiring or promoting persons to key employee positions in violation of subsection (a) above or that the gambling establishment has acted in bad faith, with actual knowledge that the persons hired or promoted would be ineligible for licensure.
- (e) Within ten days of the date of notice of a cancellation of interim status pursuant to this section, the gambling establishment shall notify the Commission in writing of the effective date of the position change for or suspension of the employee, and shall describe the employee's revised job duties, if any.
- (f) Judicial review of a cancellation of interim status shall be by petition pursuant to Section 1085 of the Code of Civil Procedure.

Authority: Sections 19823, 19824, 19840, and 19841, Business and Professions Code.
Reference: Sections 19805(t), 19805(u), 19850, 19855, 19856, 19857, 19859, 19866, 19870, and 19883, Business and Professions Code.